

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PAUL MOORE,

Plaintiff,

vs.

CAROLYN COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. 14cv2361-LAB (KSC)

**ORDER ADOPTING REPORT AND
RECOMMENDATION;**

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT
AND DENYING DEFENDANT'S
CROSS-MOTION FOR SUMMARY
JUDGMENT; AND**

**ORDER REMANDING TO SOCIAL
SECURITY ADMINISTRATION FOR
FURTHER CONSIDERATION**

Plaintiff Paul Moore appealed from the denial of his social security benefits. Pursuant to 28 U.S.C. § 636 and Civil Local rules 72.1 and 72.2, this matter was referred to Magistrate Judge Karen Crawford for report and recommendation. Judge Crawford received briefing and on February 10, 2016 issued her report and recommendation (the "R&R"), recommending that Plaintiff's motion for summary judgment be granted; Defendant's cross-motion for summary judgment be denied; judgment be entered in Plaintiff's favor; and this matter be remanded to the Social Security Administration for further consideration by the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) and for entry of a final judgment. The R&R ordered that any objections be filed no later than 14 calendar days from

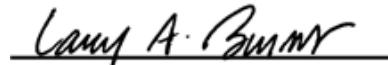
1 the date each party was served with the R&R. Because the parties were both served
2 electronically as soon as the R&R was docketed, the deadline for objections was February
3 24.

4 Neither party has filed objections, nor sought additional time in which to do so. A
5 district court has jurisdiction to review a Magistrate Judge's report and recommendation on
6 dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any
7 part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge
8 of the court may accept, reject, or modify, in whole or in part, the findings or
9 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). This section does
10 not require some lesser review by the district court when no objections are filed. *Thomas*
11 *v. Arn*, 474 U.S. 140, 149–50 (1985). The statute makes it clear that the district judge must
12 review the magistrate judge's findings and recommendations de novo *if objection is made*,
13 but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en
14 banc).

15 The Court has reviewed the R&R, finds it to be correct, and **ADOPTS** it. Plaintiff's
16 motion for summary judgment is **GRANTED**, and Defendant's cross-motion for summary
17 judgment is **DENIED**. This matter is **ORDERED REMANDED** to the Social Security
18 Administration for further consideration by the Commissioner pursuant to the fourth sentence
19 of 42 U.S.C. § 405(g) and for entry of a final judgment. The Commissioner should refer to
20 the R&R for specific guidance. The Clerk shall enter judgment in favor of Plaintiff and
21 against Defendant, and is directed to close the docket.

22 **IT IS SO ORDERED.**

23 DATED: February 26, 2016

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26 **HONORABLE LARRY ALAN BURNS**
27 United States District Judge
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